

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

John P. Brown, et al.,	)	
	)	
Plaintiffs,	)	C.A. No.: 2:00-3215-RBH
	)	
vs.	)	<b>ORDER</b>
	)	
State of South Carolina, et al.,	)	
	)	
Defendants	)	
	)	
	)	

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This matter is before the court on “Notice of Appeal”(docket entry #432, filed February 20, 2008 from the order of United States Magistrate Judge Robert S. Carr filed on January 30, 2008 denying Plaintiff Daniel Archie Jones’ motion for appointment of counsel in this Section 1983 case.

Fed. R. Civ. P. 72 provides that a party may file objections to a nondispositive pretrial order issued by a magistrate judge within ten days after being served with the order. “The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.” The Order denying Plaintiff’s motion to appoint counsel was mailed to him on January 30, 2008. The envelope in which Plaintiff mailed the appeal is postmarked on February 14, 2008, although it does not indicate the date when it was delivered to the prison mailroom. The Court will consider the appeal to be timely. However, the Court finds that it lacks merit. “It is well-settled that there is no right to the appointment of counsel in an action brought pursuant to 42 U.S.C. § 1983.” *Joe v. Funderburk*, 2006 WL 2707011, \*4 (D.S.C. Sept. 18, 2006). The authority to appoint counsel for indigent defendants should only

be exercised in exceptional circumstances and the Court finds there are no exceptional circumstances in the case at bar.

**IT IS SO ORDERED.**

s/ R. Bryan Harwell  
R. Bryan Harwell  
U.S. District Judge

Florence, South Carolina  
March 10, 2008